

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR NEWTON COUNTY )

Case No. 56S00-1310-MS- 708

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Newton Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 13. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Newton Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR56-7 and LR56-8 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 13, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Newton County Local Rules, LR56-7 and LR56-8, set forth as attachments to this Order, are approved effective retroactive to September 1, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Jeryl F. Leach, Newton Circuit Court, P.O. Box 101, Kentland, IN 47951-0101; the Hon. Daniel J. Molter, Newton Superior Court, P.O. Box 143, Kentland, IN 47951-0143; to the Clerk of the Newton Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Newton Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachments for examination by the Bar and the general public, and if available, to publish this Order and attachments on the county clerk's website.

DONE at Indianapolis, Indiana, on October 24, 2013.

  
Brent E. Dickson  
Chief Justice of Indiana

**LR-56-7          Selection of Special Judge-Non-Criminal (Ind. TR. 79)**

7.1. In the event it is necessary to select a Special Judge pursuant to Trial Rule 79 (H), the selection shall be made as follows:

(A) Where the cause number of the case begins with 56C01, the Judge of Newton Superior Court shall be appointed;

(B) Where the cause number of the case begins with 56D01, the Judge of Newton Circuit Court shall be appointed;

(C) In the event the Special Judge selected by this Rule is unable to serve, the Clerk of the original Court shall sequentially select a Special Judge from an alphabetical list of Judges from Porter, Benton or Jasper Counties or any Senior Judge appointed to the Court who has agreed to serve as a Special Judge;

(D) It shall be the duty of the Newton County Clerk to maintain a record of Special Judge selections made pursuant to Section (C) in order to insure that the case load is evenly distributed.

7.2. In cases where no Judge is eligible to serve as a Special Judge pursuant to this Rule, or when the particular circumstances of a case warrant, the presiding Judge shall certify the case to the Indiana Supreme Court for appointment of a Special Judge.

*(Effective September 1, 2013)*

**LR-56-8          Criminal Rules (Ind. CR. 2.2)**

**8.1.** All criminal cases shall be filed in the Superior Court.

**8.2.** All juvenile cases shall be filed in the Circuit Court. In the event that a juvenile is waived to criminal jurisdiction, the Circuit Court shall retain jurisdiction in that case.

**8.3.** Each matter filed in each of the Courts shall routinely be assigned to the Judge elected or appointed to serve in that respective Court. Despite routine assignment of cases, the Judges herein reserve the right to assign any case at any time to the other sitting Judge, subject to acceptance by the assigned Judge. In the event either a juvenile or criminal case is reassigned to another Judge without prior consent of the parties and after the time has lapsed for requesting a change of Judge under Criminal Rule 12, the parties shall have five days from the reassignment to file a motion for change of Judge.

**8.4.** Once a case has been filed and assigned to a particular Court and Judge then that Court and Judge shall retain jurisdiction over every matter relating to the disposition of the case, including matters and motions relating to the dismissal and refiling of charges or allegations.

**8.5.** In the event a motion for change of Judge is granted by the regular presiding Judge or successor Judge assigned pursuant to LR-56-8.3, then that Judge shall reassign the case to the other sitting Judge in the County. If the other sitting Judge in the county is disqualified or ineligible to serve, then a Special Judge shall be sequentially selected by the Clerk from an alphabetized alternative assignment list composed of Judges from contiguous counties and Senior Judges assigned to that court who have agreed to serve as a Special Judge. The Clerk shall maintain a list of Senior Judges who have agreed to serve in the event they are assigned a case under this Rule.

*(Effective September 1, 2013)*